

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

AXA DISTRIBUTORS, LLC and)	
AXA ADVISORS, LLC,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:08cv188
)	
GAYLE S. BULLARD et al.,)	
)	
Defendants.)	
)	

MOTION TO LIFT STAY

COME NOW THE DEFENDANTS and respectfully move this Court to lift the stay entered by it on April 7, 2008. In support of this motion, Defendants state as follows:

1. On April 3, 2008, the parties jointly moved for a stay until June 30, 2008, for the purpose of mediating this and other actions between the parties. The Court granted the stay on April 7, 2008. On June 4, 2008, Defendants cancelled the pending mediation due to the lack of likelihood of success.
2. In light of the fact that the purpose for the stay no longer exists, the Defendants respectfully request that the Court end the stay and permit this litigation to continue. District Courts have discretion in granting and lifting stays of litigation. “The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706, 117 S. Ct. 1636, 137 L.Ed.2d 945 (1997); *see also Dominguez v. Hartford Financial Services Group, Inc.*, 530 F.Supp.2d 902, 905 (S.D.Tex.2008) (“The stay of a pending matter is ordinarily within the trial court’s wide discretion to control the course of litigation....”).

Respectfully Submitted,

/s/ Caroline Smith Gidiere

One of the Attorneys for Defendants

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